

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CASE NO. 17-CV-1789 (DLC)

LEK SECURITIES CORPORATION,
SAMUEL LEK,
VALI MANAGEMENT PARTNERS dba
AVALON FA LTD,
NATHAN FAYYER, and
SERGEY PUSTELNIK a/k/a
SERGE PUSTELNIK,

Defendants.

PLAINTIFF'S NOTICE REGARDING SELF-AUTHENTICATING RECORDS

Plaintiff Securities and Exchange Commission ("SEC") respectfully submits this notice regarding its intent to offer into evidence certain self-authenticating records under Fed. R. Evid. 902 that it has marked as SEC Trial Exhibits. The SEC provided notice to the defendants of its intent to admit these records under Fed. R. Evid. 902(11) on September 6, 2019. The SEC submits this notice in order to place the corresponding certifications into the record, to request that the defendants be required to provide any objection, and to aid the Court in ruling on the admissibility of the SEC Trial Exhibits addressed herein.

The SEC intends to offer into evidence certain SEC Trial Exhibits as certified business records pursuant to Rules 803(6) and 902(11) of the Federal Rules of Evidence. A chart listing the relevant certifications, the corresponding SEC Trial Exhibit, and the defendants' objections

(as of the parties' Second Amended Joint Pretrial Order (ECF No. 479, Ex. A)) is set forth below.

Attachment	Certification	Corresponding Exhibit(s)	Defense Objections
1	Capital One 7/24/2015	32, 37, 95, 142	
2	Capital One 7/28/2015	33, 34, 35, 36	
3	Capital One 5/15/2015	95	
4	Capital One 2/1/2016	95	
5	Turks and Caicos 5/14/2019	70, 179, 180, 181	
6	Barclays 8/8/2019	71, 73	
7	Lek Securities Corp. 9/6/2019	75A, 75B, 83, 113, 366, 367, 368, 369	
7	Lek Securities Corp. 9/6/2019	74, 315, 316-365 ¹	**
8	TD Bank 3/26/2014	77, 92, 143, 144	
9	TD Bank 8/7/2014	78	
10	JP Morgan Chase 2/4/2016	79	
11	JP Morgan Chase 1/5/2015	81	
12	JP Morgan Chase 8/7/2014	112	
13	Citibank 9/30/14	82	
14	Investors Bank 1/17/2017	96, 156	
14	Investors Bank 1/17/2017	141	*
15	Coastal Management 8/29/2019	178	
16	Lime Brokerage LLC 10/8/2019	371A, 371B	

The SEC further intends to offer SEC Trial Exhibit 94, which is comprised of certified records produced by the New Jersey Department of the Treasury, as domestic public documents

¹ Exhibits 316-365 each consist of A, B, and C versions of these records (e.g., the SEC has marked as separate exhibits SEC Trial Exhibit 316A, 316B, and 316C). With respect to one particular exhibit (SEC Trial Exhibit 365B), the Second Amended Joint Pretrial Order (ECF No. 479, Ex A) includes no stars. However, the defendants have indicated that they do not object to this document, and the exhibit list will be updated accordingly.

that are not sealed but are signed and certified and/or certified copies of public records pursuant to Fed. R. Evid 902(2) and 902(4). A chart listing the corresponding certification and the defendants' objections (as of the parties' Second Amended Joint Pretrial Order (ECF No. 479, Ex. A) for this exhibit is set forth below.

Attachment	Certification	Corresponding Exhibit(s)	Defense Objections
17	New Jersey Dept of the Treasury 2/8/2018	94	

The SEC provided notice to the defendants of its intent to introduce records from the entities covered in the certifications pursuant to Fed. R. Evid. 902(2), 902(4), and 902(11) on September 6, 2019. Most of the certifications covering these records were also provided to the defendants during discovery in 2017 and 2018.²

In order to streamline the trial and save time and resources, the SEC requests that the Court direct the defendants to file a notice no later than Tuesday, October 14, 2019, stating whether they object to the admissibility of any of these records and, if so, explaining the grounds for their objections. The SEC further requests that the Court issue a ruling permitting the introduction of the SEC Trial Exhibits listed herein prior to the commencement of trial.

Dated: October 9, 2019

Respectfully submitted,

/s/ Sarah S. Nilson
 David J. Gottesman
 Olivia S. Choe
 Sarah S. Nilson
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² Some of the certifications listed above were received by the SEC after discovery, and thereafter provided to the defendants. The SEC expects to receive one additional certification from JP Morgan Chase shortly, at which time it will be made available to the defense. The SEC reserves the right to amend this list if additional records are introduced at trial and/or additional certifications are received.

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2019, the foregoing document was filed via CM/ECF and thereby served on all counsel of record.

/s/ Sarah S. Nilson

Sarah S. Nilson